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ROBERT HUNTER BIDEN

16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA
18 WESTERN DIVISION

19 ROBERT HUNTER BIDEN, an
20 individual,

21 Plaintiff,

22 vs.

23 PATRICK M. BYRNE, an individual,
24 Defendant.

Case No. 2:23-cv-09430-SVW-PD

**PLAINTIFF ROBERT HUNTER
BIDEN'S RESPONSE TO
DEFENDANT'S TRIAL BRIEF;
DECLARATION OF ZACHARY C.
HANSEN**

Date: November 25, 2024
Time: 3:00 P.M.
Place: Ctrm. 10A

Judge: Hon. Stephen V. Wilson

PLAINTIFF’S RESPONSE

Defendant Patrick M. Byrne (“Defendant”) filed an untimely motion to bifurcate on November 20, 2024, which was disguised as a “Trial Brief”. (Declaration of Zachary C. Hansen (“Hansen Decl.”), at ¶2.) In Defendant’s “Trial Brief” specifically requests an order bifurcating the liability phase of this case from the damages phase, but labeled his filing as a “Trial Brief” to avoid the fact that his motion to bifurcate is untimely. The Central District Local Rule 16-4.3, titled “Bifurcation of Issues” requires any bifurcation request to have been submitted in the Parties’ respective Memorandum of Contentions of Law and Fact, which pursuant to Central District Local Rule 16-4 was required to have been filed “[n]ot later than twenty-one (21) days before the Final Pretrial Conference.” Accordingly, the deadline to have made this request was November 4, 2024 (based on the November 25, 2024 Final Pretrial Conference). (Hansen Decl., at ¶3.) Defendant made no such request prior to the deadline, despite knowing the nature of Plaintiff’s claims and damages since this matter was filed in November 2023. (*Id.* at ¶4.) “‘A party seeking bifurcation should request relief as soon as the need becomes apparent.’ ... Delay in doing so can also be a factor affecting the court’s decision.” (*E.C. v. Fullerton School Dist.*, 2019 WL 2902706 *2 (C.D. Cal. Feb. 4, 2019) (*quoting* Schwarzer et al., *California Practice Guide: Federal Civil Procedure Before Trial*, ¶16:160.1 (2015)).) Accordingly, Defendant’s motion to bifurcate is untimely and should be denied for that reason alone.

Moreover, bifurcation of the liability phase and the damages phase is unnecessary here because there is only one cause of action at issue and all can be determined by the jury in one proceeding. Either defendant will be found liable for that one cause of action at trial for an amount of damages to be awarded by the jury, or he will not be found liable by the jury.

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1 As such, Plaintiff respectfully requests that the Court deny Defendant's request
2 to bifurcate any issues in this matter.

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4 Dated: November 21, 2024

EARLY SULLIVAN WRIGHT
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7 By: /s/ Zachary C. Hansen

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26 *Robert Hunter Biden*
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DECLARATION OF ZACHARY C. HANSEN

I, Zachary C. Hansen, declare and state as follows:

1. I am counsel of record for Plaintiff Robert Hunter Biden (“Plaintiff”) in the above-entitled action and am over the age of 18. I hereby submit this declaration in support of Plaintiff’s Response to Defendant’s Trial Brief. If called as a witness, I would and could testify to the matters contained herein.

2. Defendant Patrick M. Byrne (“Defendant”) filed an untimely motion to bifurcate on November 20, 2024, which was disguised as a “Trial Brief”.

3. The Final Pretrial Conference in this case is set for November 25, 2024, which would have made the deadline for Defendant to seek such relief November 4, 2024 pursuant to Central District Local Rules 16-4 and 16-4.3.

4. Defendant made no such request prior to the November 4, 2024 deadline, despite knowing the nature of Plaintiff’s claims and damages since this matter was filed in November 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 21st day of November, 2024, at Summit, New Jersey.

/s/ Zachary C. Hansen
Zachary C. Hansen